

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DARLENE JO SEELEY,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the  
Social Security Administration,

Defendant.

Case No. 09-cv-1380-RSL-JPD

REPORT AND RECOMMENDATION

Plaintiff Darlene Jo Seeley brought this action to seek judicial review of the denial of her application for disability benefits by the Commissioner of the Social Security Administration.


Dkt. No. 1. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. No. 16.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that on remand, an Administrative Law Judge (ALJ) will hold a de novo hearing and Plaintiff may raise any issue. The ALJ will: (1) evaluate lay testimony of record; (2) reevaluate all medical source opinions, including those of Gary Gaffield, D.O., and Allan G. Fritz, Ph.D., as appropriate to the period at issue; (3) obtain medical expert testimony; (4) reevaluate Plaintiff's

1 residual functional capacity; (5) give further consideration to Plaintiff's credibility as warranted  
2 by the expanded record and further consideration of the evidence; and (6) complete the  
3 sequential evaluation process. The parties further stipulate that, upon proper presentation, this  
4 Court may consider Plaintiff's application for costs and attorney fees under 28 U.S.C. § 2412(d)  
5 and 42 U.S.C. § 406(b).

6 A proposed order accompanies this Report and Recommendation.

7 DATED this 16th day of March, 2010.

8  
9   
10 JAMES P. DONOHUE  
11 United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24